IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WA.No. 2918 of 2007

AGAINST THE ORDER IN WPC.35617/2007 Dated 04/12/2007
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APPELLANT: 5TH RESPONDENT:

NATIONAL THERMAL POWER CORPORATION,
KAYAMKULAM, ALAPPUZHA DISTRICT,
REP. BY ITS ADDITIONAL GENERAL MANAGER.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENTS: PETITIONER, RESPONDENTS 1 TO 4:
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1. ASHA P.,
W/O. N.SANTOSH KUMAR,
'ASWATHY', VAISYAMBHAGOM P.O., ALAPPUZHA DISTRICT
(NOW RESIDING AT 'SOUPARNIKA', CHEPPAD P.O.,
ALAPPUZHA).

2. KENDRIYA VIDYALAYA SANGATHAN,
18, INSTITUTIONAL AREA, SHAHEED JEET SINGH MARG,
NEW DELHI-110 016,
REPRESENTED BY ITS COMMISSIONER.

3. JOINT COMMISSIONER (ACAD)
KENDRIYA VIDYALAYA SANGATHAN,
18, INSTITUTIONAL AREA,
SHAHEED JEET SINGH MARG, NEW DELHI-110 016.

4. ASSISTANT COMMISSIONER,
REGIONAL OFFICE, KENDRIYA VIDYALAYA SANGATHAN,
CHENNAI.

5. KENDRIYA VIDYALAYA (NTPC),
KAYAMKULAM, CHEPPAD P.O., ALAPPUZHA DISTRICT
REPRESENTED BY ITS PRINCIPAL.

R1 BY ADV. SRI.BOBY MATHEW
ADV.SRI.V.V.ASOKAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.M.JOSEPH, J.

W.A.No.2918 of 2007

Dated, this the 7th day of December, 2007

JUDGMENT

H.L.Dattu, C.J.

Questioning the correctness or otherwise of the interim order dated 4th December, 2007 passed by the learned Single Judge while admitting W.P.(C) No.35617 of 2007 , the fifth respondent in the Writ Petition is before us in this appeal.

(2) The petitioner, a State Government employee and mother of a child studying in IVth standard in Kendriya Vidyalaya, Malappuram has sought admission to her child in the Kendriya Vidyalaya, Kayamkulam, which is a project school under the fifth respondent, consequent upon her transfer to Alappuzha. Her request is rejected by the fifth respondent. That is how she is before this court in the Writ Petition.

(3) The learned Single Judge, keeping in view clause 12 of the Guidelines, has passed the interim order directing the fifth respondent to admit the petitioner's child in the fourth respondent-school, subject to the result of the Writ Petition.

(4) Aggrieved by the interim order so passed, the fifth respondent in the Writ Petition is before us in this Writ Appeal.

(5) We need not labour much for disposing of the Appeal. It is suffice to observe that the learned Single Judge, keeping in view the peculiar facts and circumstances of the case, has exercised his extraordinary and

discretionary jurisdiction. The discretion so exercised, in our view, is neither arbitrary nor without jurisdiction. Therefore, we do not find any error in the interim order passed by the learned Single Judge. Accordingly, we reject the Writ Appeal. We make it clear that the interim order passed by the learned Single Judge need not be treated as precedent in any other case.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

MS